

Exhibit D

continued

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-00082-DGC**

Tarasi v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/09/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Harry Tarasi**

represented by **Richard J Plezia**
Richard J Plezia & Associates
2909 Hillcroft Ave., Ste. 575
Houston, TX 77057
713-800-1151
Fax: 281-602-7735
Email: efile@rplezialaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated****Defendant****Bard Peripheral Vascular
Incorporated**

Date Filed	#	Docket Text
01/09/2018	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15037932 filed by Harry Tarasi. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 01/09/2018)
01/09/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-0082-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 01/09/2018)

PACER Service Center

Transaction Receipt			
10/31/2018 05:20:48			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373- gc01
Description:	Docket Report	Search Criteria:	2:18-cv-00082- DGC
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED
MASTER SHORT FORM
COMPLAINT FOR
DAMAGES FOR
INDIVIDUAL CLAIMS AND
DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff: **Harry Tarasi**

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim: **Not Applicable**

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator): **Not Applicable**

4. Plaintiff's state of residence at the time of implant: **Pennsylvania**

5. Plaintiff's residence at the time of injury: **Pennsylvania**

6. Plaintiff's current state of residence: **Pennsylvania**

7. District Court and Division in which venue would be proper absent direct filing: **United States District Court for the Western District of Pennsylvania**
8. Defendants (check Defendants against whom Complaint is made):
- ☒ **C.R. Bard Inc.**
- ☒ **Bard Peripheral Vascular, Inc.**
9. Basis of Jurisdiction:
- ☒ **Diversity of Citizenship**
- ☐ Other
- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:
-
-
-
10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff is making a claim (Check applicable Inferior Vena Cava Filter(s)):
- ☐ Recovery® Vena Cava Filter
- ☐ G2® Vena Cava Filter
- ☐ G2® Express Vena Cava Filter
- ☐ G2® X Vena Cava Filter
- ☐ Eclipse® Vena Cava Filter
- ☐ Meridian® Vena Cava Filter
- ☐ Denali® Vena Cava Filter
- ☒ **Other: Simon Nitinol**
11. Date of Implantation as to each product: **August 3, 1999**
-

12. Counts in the Master Complaint brought be Plaintiff(s):

- ☒ Count I: **Strict Products Liability – Manufacturing Defect**
- ☒ Count II: **Strict Products Liability – Information Defect (Failure to Warn)**
- ☒ Count III: **Strict Products Liability – Design defect**
- ☒ Count IV: **Negligence – Design**
- ☒ Count V: **Negligence – Manufacture**
- ☒ Count VI: **Negligence – Failure to Recall/Retrofit**
- ☒ Count VII: **Negligence – Failure to Warn**
- ☒ Count VIII: **Negligent Misrepresentation**
- ☒ Count IX: **Negligence *Per Se***
- ☒ Count X: **Breach of Express Warranty**
- ☒ Count XI: **Breach of Implied Warranty**
- ☒ Count XII: **Fraudulent Misrepresentation**
- ☒ Count XIII: **Fraudulent Concealment**
- ☐ Count XIV: Violations of Applicable **Arizona** and **Pennsylvania** Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ **Punitive Damages**

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ **Yes**

☐ **No**

RESPECTFULLY SUBMITTED this 9th day of January, 2018.

/s/ Richard J. Plezia
RICHARD J. PLEZIA
Texas Bar No. 16072800
SANA ABID
Texas Bar No. 24092012
RICHARD J. PLEZIA & ASSOCIATES
2909 Hillcroft Ave., Suite 575
Houston, Texas 77057
Telephone: 713-800-1151
Facsimile: 281-602-7735
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy was furnished via electronic filing, U.S. Mail and/or facsimile to the following counsel on January 9, 2018.

/s/ Richard J. Plezia
RICHARD J. PLEZIA

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03689-DGC**

Taylor v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/11/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Bernard Taylor**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
10/11/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14746533 filed by Bernard Taylor. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 10/11/2017)
10/11/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3689-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/11/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:22:56			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:17-cv-03689-DGC
Billable Pages:	1	Cost:	0.10

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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Bernard Taylor

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Georgia

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Georgia

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

July 20, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Michigan (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 11th day of October, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 11th day of October, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-01843-DGC**

Tesell v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 06/15/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Jill Tesell**

represented by **Monte Bond**
Tautfest Bond PLLC
5151 Beltline Rd., Ste. 1000
Dallas, TX 75254
214-617-9980
Fax: 214-853-4281
Email: mbond@tautfestbond.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
06/15/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14334607 filed by Jill Tesell. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 06/15/2017)
06/15/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-1843-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 06/15/2017)

PACER Service Center			
Transaction Receipt			
10/31/2018 05:24:53			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-gc01
Description:	Docket Report	Search Criteria:	2:17-cv-01843-DGC
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Jill Tesell

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Massachusetts

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Massachusetts

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Massachusetts

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Massachusetts

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

X Other: Simon Nitinol

11. Date of Implantation as to each product:

October 18, 2007

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence Per Se

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

- 1 X Count XIII: Fraudulent Concealment
- 2 X Count XIV: Violations of Applicable Louisiana (insert state)
- 3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 □ Count XV: Loss of Consortium
- 6 □ Count XVI: Wrongful Death
- 7 □ Count XVII: Survival
- 8 X Punitive Damages
- 9 □ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____

16

17 13. Jury Trial demanded for all issues so triable?

- 18 X Yes
- 19 □ No
- 20
- 21
- 22

1 RESPECTFULLY SUBMITTED this 15th day of June, 2017.

2 TAUTFEST BOND, PLLC

3 By: /s/ Monte Bond

4 Monte Bond

5 Texas Bar No. 02585625

6 5151 Belt Line Road

7 Suite 1000

8 Dallas, TX 75254

9 Phone: (214) 617-9980

10 Fax: (214) 853-4281

11 Attorney for Plaintiff

12 I hereby certify that on this 15th day of June, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Monte Bond

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-04141-DGC**

Thomas v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/10/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Deanna Thomas**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
11/10/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14852629 filed by Deanna Thomas. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 11/13/2017)
11/10/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-4141-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 11/13/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:16:22			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-04141-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Deanna Thomas

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Maryland

21

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Maryland

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Maryland

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Maryland

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express(G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

March 19, 2010

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable Maryland Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices

Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 9th day of November 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

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11
12 I hereby certify that on this 9th day of November 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

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CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-00402-DGC**

Thomas v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 02/05/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Nicole Thomas**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
02/05/2018	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15132525 filed by Nicole Thomas. (Attachments: # 1 Civil Cover Sheet)(KAS) (Entered: 02/06/2018)
02/05/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-00402-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KAS) (Entered: 02/06/2018)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:19:05			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:18-cv-00402-DGC
Billable Pages:	1	Cost:	0.10

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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Nicole Thomas

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Virginia

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Virginia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Virginia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for Eastern District of Virginia

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express(G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Bard Simon Nitinol

11. Date of Implantation as to each product:

Year of 2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Virginia
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 5th day of February 5, 2018.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
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11
12 I hereby certify that on this 5th day of February 5, 2018, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Nicole Thomas

Defendant(s): C.R. Bard, Inc. ; Bard Peripheral Vascular, Inc.

County of Residence: Outside the State of Arizona

County of Residence: Maricopa

County Where Claim For Relief Arose: Outside the State of Arizona

Plaintiff's Atty(s):

Defendant's Atty(s):

**Debra J. Humphrey
MARC J. BERN & PARTNERS LLP
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000**

II. Basis of Jurisdiction:

4. Diversity (complete item III)

III. Citizenship of Principal Parties
(Diversity Cases Only)

Plaintiff:- **2 Citizen of Another State**
Defendant:- **4 AZ corp or Principal place of Bus. in AZ**

IV. Origin :

6. Multidistrict Litigation

V. Nature of Suit:

367 Health Care/Pharmaceutical Personal Injury Product Liability

VI. Cause of Action:

IN RE: BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

VII. Requested in Complaint

Class Action: **No**
Dollar Demand:
Jury Demand: **Yes**

VIII. This case IS RELATED to Case Number **MDL No. 2641** assigned to Judge **David G. Campbell.**

Signature: Debra J. Humphrey

Date: 2/5/2018

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00285-DGC**

Turner v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/30/2017
Jury Demand: None
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Melissa Turner**

represented by **Bobby Saadian**
Wilshire Law Firm PLC
3055 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90010
213-381-9988
Fax: 213-381-9989
Email: masstorts@wilshirelawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

--	--	--

Date Filed	#	Docket Text
01/30/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number PHX181395 filed by Melissa Turner. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 01/30/2017)
01/30/2017	2	NOTICE TO FILER OF DEFICIENCY re: 1 Complaint filed by Melissa Turner. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 01/30/2017)
01/30/2017	3	MOTION for Admission Pro Hac Vice as to attorney Bobby Saadian on behalf of Melissa Turner. (MAP) (Entered: 01/30/2017)
01/30/2017	4	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-285-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 01/30/2017)
01/30/2017	5	SUMMONS Submitted by Melissa Turner. (REK) (Entered: 01/30/2017)
01/30/2017	6	Summons Issued as to C R Bard Incorporated. (REK). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 01/30/2017)
01/30/2017		PRO HAC VICE FEE PAID. \$ 35, receipt number PHX181394 as to Bobby Saadian. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 01/30/2017)
01/30/2017	7	ORDER pursuant to General Order 09-08 granting 3 Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. Counsel is advised that they are limited to two (2) additional e-mail addresses in their District of Arizona User Account. (BAS) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 01/30/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:19:59			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-00285-DGC
Billable Pages:	2	Cost:	0.20

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
MELISSA TURNER**DEFENDANTS**
C.R. BARD, Inc., et al.(b) County of Residence of First Listed Plaintiff **Nevada County, California**
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant **Union County, New Jersey**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Wilshire Law Firm
3055 Wilshire Blvd., 12th Floor, Los Angeles, CA 90010
(213)381-9988Attorneys (If Known)
Nelson Mullins Riley & Scarborough, LLP
Atlanta Station, 201 17th Street, NW Suite 1700
Atlanta, GA 30363**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☒ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
US Civil Statute: 28 U.S.C. 1332; Pelvic Repair Systems Product Liability

Brief description of cause:

PROD. LIAB., STRICT LIAB., NEGL., BREACH OF WARRANTIES, FRAUD, NEGL. MISREP., NIED, PUNITIVE

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
1,000,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE **David G. Campbell**DOCKET NUMBER **2:15-md-2641**

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

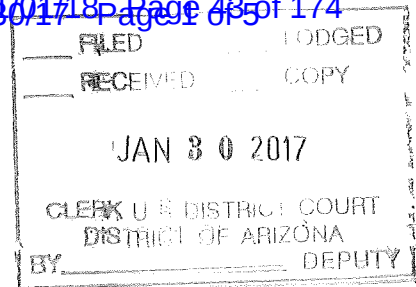
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below. United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes. Original Proceedings. (1) Cases which originate in the United States district courts. Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box. Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date. Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers. Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.



CV-17-00285-PHX-DGC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.____).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

MELISSA TURNER

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

California

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

California

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

California

7. District Court and Division in which venue would be proper absent direct filing:

Eastern District of California

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery® Vena Cava Filter



G2® Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: **Simon Nitinol Filter**

11. Date of Implantation as to each product:

8/27/2013

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

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- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable California (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

1 RESPECTFULLY SUBMITTED this 26th day of January, 2017.

2 **WILSHIRE LAW FIRM, PLC**

3 By: 

4 Bobby Saadian, Esq.

5 3055 Wilshire Blvd., 12th Floor

6 Los Angeles, CA 90010

7 (213)381-9988

8 masstorts@wilshirelawfirm.com

9 California State Bar No. 250377

10 *Attorney for Plaintiffs*

11 I hereby certify that on this 26th day of January, 2017, I mailed the attached
12 document to the Clerk's Office for filing and a Notice of Filing.

13 /s/ 
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CONSOLIDATED,MULTI-DISTRICT,TRANSFER-IN

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00579-DGC**

Valentine v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Case in other court: California Central, 2:17-cv-00384
Cause: 28:1446 Petition for Removal- Personal Injury

Date Filed: 02/27/2017
Jury Demand: Both
Nature of Suit: 367 Personal Injury:
Health Care/Pharmaceutical Personal
Injury Product Liability
Jurisdiction: Diversity

Plaintiff**Michelle Valentine**

*Individually and as Successor in
Interest to Scott Valentine, Decedent
estate of
Scott Valentine*

represented by **Nicole K H Maldonado**
Baum Hedlund Aristei & Goldman PC
10940 Wilshire Blvd., 17th Fl.
Los Angeles, CA 90024
310-207-3233
Fax: 310-207-4204
Email:
nmaldonado@baumhedlundlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Sydney Valentine**

*Surviving Daughter
on behalf of
Scott Valentine*

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Jordan Valentine**

*Surviving Daughter
on behalf of
Scott Valentine*

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Reilly Valentine**

*Surviving Daughter
on behalf of
Scott Valentine*

represented by **Nicole K H Maldonado**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

*a Delaware company doing business in
California*

represented by **Amanda Christine Sheridan**
Snell & Wilmer LLP - Phoenix, AZ
1 Arizona Center
400 E Van Buren
Phoenix, AZ 85004-2202
602-382-6304
Fax: 602-382-6070
Email: asheridan@swlaw.com
TERMINATED: 07/12/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James R Condo

Snell & Wilmer LLP - Phoenix, AZ
1 Arizona Center
400 E Van Buren
Phoenix, AZ 85004-2202
602-382-6000
Fax: 602-382-6070
Email: jcondo@swlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin George Lohman

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Date Filed	#	Docket Text
01/18/2017	<u>1</u>	NOTICE OF REMOVAL from Los Angeles Superior Court, case number BC645612 Receipt No: 0973-19206616 - Fee: \$400, filed by Defendant C.R. BARD, INC.. (Attachments: # <u>1</u> Exhibit 1 Transfer Order, # <u>2</u> Complaint, # <u>3</u> Civil Cover Sheet, # <u>4</u> Civil Case Cover Sheet Addendum) (Attorney Kevin George Lohman added to party C.R. BARD, INC.(pty:dft))(Lohman, Kevin) [Transferred from cacd on 2/27/2017.] (Entered: 01/18/2017)
01/18/2017	<u>2</u>	CIVIL COVER SHEET filed by Defendant C.R. BARD, INC.. (Lohman, Kevin) [Transferred from cacd on 2/27/2017.] (Entered: 01/18/2017)
01/18/2017	<u>3</u>	CERTIFICATE of Interested Parties filed by Defendant C.R. BARD, INC., identifying Michelle Valentine, Sydney Valentine, Jordan Valentine, Reilly Valentine, C.R. Bard, Inc.. (Lohman, Kevin) [Transferred from cacd on 2/27/2017.] (Entered: 01/18/2017)
01/18/2017	<u>4</u>	CORPORATE DISCLOSURE STATEMENT filed by Defendant C.R. BARD, INC. (Lohman, Kevin) [Transferred from cacd on 2/27/2017.] (Entered: 01/18/2017)
01/18/2017	<u>5</u>	DEMAND for Jury Trial filed by Defendant C.R. BARD, INC... (Lohman, Kevin) [Transferred from cacd on 2/27/2017.] (Entered: 01/18/2017)
01/18/2017	<u>6</u>	NOTICE of Related Case(s) filed by Defendant C.R. BARD, INC.. <i>Notice of Pendency of Other Actions or Proceedings</i> Related Case(s): 2:15-cv-01945-MWF-PJW, 2:15-cv-04213-ODW-JPR, 2:15-cv-04494-JAK-GJS, 2:15-cv-07937-ODW-PJW, 8:15-cv-00698-CJC-DFM (Lohman, Kevin) [Transferred from cacd on 2/27/2017.] (Entered: 01/18/2017)
01/18/2017	<u>7</u>	PROOF OF SERVICE filed by Defendant C.R. BARD, INC., re Corporate Disclosure Statement <u>4</u> , Certificate/Notice of Interested Parties <u>3</u> , Civil Cover Sheet (CV-71) <u>2</u> , Notice of Related Case(s), <u>6</u> , Jury Demand <u>5</u> , Notice of Removal (Attorney Civil Case Opening), <u>1</u> served on 1/18/17. (Lohman, Kevin) [Transferred from cacd on 2/27/2017.] (Entered: 01/18/2017)

01/18/2017		CONFORMED FILED COPY OF COMPLAINT against Defendants C.R. Bard, Inc., Does 1 through 100. Jury Demanded., filed by plaintiff Michelle Valentine. (FILED IN STATE COURT ON 1/4/2017 SUBMITTED ATTACHED TO NOTICE OF REMOVAL) (ghap) [Transferred from cacd on 2/27/2017.] (Entered: 01/19/2017)
01/19/2017	8	NOTICE OF ASSIGNMENT to District Judge John A. Kronstadt and Magistrate Judge Michael R. Wilner. (ghap) [Transferred from cacd on 2/27/2017.] (Entered: 01/19/2017)
01/19/2017	9	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (ghap) [Transferred from cacd on 2/27/2017.] (Entered: 01/19/2017)
01/25/2017	10	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 16-05 (Related Case) filed. Transfer of case declined by Judge Michael W. Fitzgerald, for the reasons set forth on this order. Related Case No. 2:15-cv-01945 MWF(PJWx) (rn) [Transferred from cacd on 2/27/2017.] (Entered: 01/25/2017)
02/02/2017	11	STANDING ORDERS FOR CIVIL CASES ASSIGNED TO JUDGE JOHN A. KRONSTADT by Judge John A. Kronstadt. (ah) [Transferred from cacd on 2/27/2017.] (Entered: 02/02/2017)
02/02/2017	12	ORDER SETTING RULE 16(b)/26(f)SCHEDULING CONFERENCE by Judge John A. Kronstadt. Scheduling Conference set for April 3, 2017 at 01:30 PM before Judge John A. Kronstadt. Joint Rule 16(b)/26(f) Report due March 24, 2017. (ah) [Transferred from cacd on 2/27/2017.] (Entered: 02/02/2017)
02/10/2017	13	(IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION AS TO DEFENDANTS SYDNEY VALENTINE, JORDAN VALENTINE, AND REILLY VALENTINE by Judge John A. Kronstadt: The case was removed to this Court. Pursuant to Rule 81 of the Federal Rules of Civil Procedure, a response to the Complaint is due the later of 21 days after receiving a copy of the initial pleading, 21 days after being served with the summons, or 7 days after the notice of removal is filed. A proof of service indicating that Defendants have been served with the Complaint, or a response to the Complaint have not been filed. Accordingly, Plaintiff is ordered to show cause in writing on or before February 24, 2017, why these Defendants should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. Therefore, the Order to Show Cause will stand submitted upon the filing of an appropriate response and/or the filing of an answer by Defendant(s) or an application for the entry of default pursuant to Rule 55 of the Federal Rules of Civil Procedure. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ake) TEXT ONLY ENTRY [Transferred from cacd on 2/27/2017.] (Entered: 02/10/2017)
02/23/2017	14	Conditional Transfer Order - 2641 from the United States Judicial Panel on Multidistrict Litigation MDL ORDER. The action is transferred to the District of Arizona for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. 1407 being conducted by the Honorable G. Campbell. (bp) [Transferred from cacd on 2/27/2017.] (Entered: 02/27/2017)

02/27/2017	<u>15</u>	Transfer Out Transmittal Letter sent to USDC District of Arizona at Phoenix. (bp) [Transferred from cacd on 2/27/2017.] (Entered: 02/27/2017)
02/27/2017	<u>16</u>	CASE TRANSFERRED IN from District of California Central; Case Number 2:17-cv-00384 . Original file certified copy of transfer order and docket sheet received (Entered: 02/27/2017)
02/27/2017	<u>17</u>	NOTICE That CV-17-579-PHX-DGC (formerly Central District of California 2:17-cv-384) is now consolidated with and part of MDL No. 2641. Therefore, future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. (MAP) (Entered: 02/27/2017)

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Description:	Docket Report	Search Criteria:	2:17-cv-00579-DGC
Billable Pages:	4	Cost:	0.40

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FILED
Superior Court Of California
County Of Los Angeles

JAN 04 2017

Sherri R. Carter, Executive Officer/Clerk
By Charlie L. Coleman, Deputy

6 MICHELLE VALENTINE, and the ESTATE OF SCOTT VALENTINE,
7 by and through its successor in interest, MICHELLE VALENTINE, *in Propria Persona*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 MICHELLE VALENTINE, individually and as
12 successor in interest to SCOTT VALENTINE,
13 Decedent, and the ESTATE OF SCOTT
14 VALENTINE,

15 Plaintiffs,

16 v.

17 C.R. BARD, INC., a Delaware corporation doing
18 business in California; and DOES 1 through 100,

19 Defendants,

20 SYDNEY VALENTINE, surviving daughter,
21 JORDAN VALENTINE, surviving daughter, and
22 REILLY VALENTINE, surviving daughter,

23 Nominal Defendants.

Case No. BC 645612

24 **COMPLAINT FOR WRONGFUL DEATH**
25 **DAMAGES; DEMAND FOR JURY TRIAL**

- 26 1. Strict Liability – Design Defect
- 27 2. Strict Liability – Failure to Warn
- 28 3. Negligence
4. Breach of Express Warranty
5. Breach of Implied Warranty
6. Negligent Misrepresentation
7. Fraud

FSC: 06/ 28/ 2018 TRIAL: 07/ 05/ 2018 OSC: 01 / 06 / 2020

CIT/CRSE: BC645612
LEA/DEF#:

RECEIPT #: CCR243111035
DATE PAID: 01/04/17 04:14 PM
PAYMENT: \$435.00 310

CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL

1
2
3 Plaintiff, MICHELLE VALENTINE, individually and as successor in interest to SCOTT
4 VALENTINE, Decedent, in pro per, for her and Decedent's causes of action against Defendants C.R. Bard,
5 Inc. and DOES 1 through 100 (collectively, "Defendants"), allege as follows:

6 **PARTIES, JURISDICTION AND VENUE**

7 1. Plaintiff Michelle Valentine is a competent individual, over the age of 18, a citizen of the
8 United States, a resident of Los Angeles County in the state of California, and is the surviving spouse of
9 Decedent Scott Valentine (hereinafter referred to as "Decedent").

10 2. The following individuals are named as nominal defendants pursuant to CCP Section 382:
11 Sydney Valentine, surviving daughter, Jordan Valentine, surviving daughter, and Reilly Valentine,
12 surviving daughter. At all relevant times herein, each of the nominal defendants were residents of the
13 County of Los Angeles.

14 3. Although nominal defendants Sydney Valentine, Jordan Valentine, and Reilly Valentine
15 are persons entitled to bring this action pursuant to CCP Section 377.60, they are named as nominal
16 defendants pursuant to CCP Section 382 because consent for them to join the instant action was not
17 obtained at the time of this filing.

18 4. Decedent, who was also citizen of the United States and a resident of Los Angeles County
19 in the state of California, died on January 4, 2015, at the age of 56.

20 5. All claims in this action are a direct and proximate result of the negligent, willful, and
21 wrongful acts and/or omissions of Defendants, and each of them, and/or their corporate predecessors in
22 connection with the design, development, manufacture, testing, packaging, promoting, marketing,
23 distribution, labeling, implantation, and/or sale of the medical device known as the Simon Nitinol
24 Inferior Vena Cava Non-Retrievable Filter (hereinafter "SNF") throughout the United States including
25 the state of California.

26 6. Plaintiff is informed and believes, and based thereon allege that, at all relevant times,
27 Defendant C.R. BARD, INC., and Does 1-50, and each of them (hereinafter "C.R.BARD"), is a
28 Delaware corporation doing business in and authorized to do business in the state of California, with its
principal place of business in the state of New Jersey.

1 7. Plaintiff is informed and believes, and based thereon allege, that at all relevant times C.R.
2 BARD. maintains offices worldwide, including locations within the state of California, and has
3 approximately 15,000 employees worldwide, including the state of California.

4 8. Plaintiff is informed and believes, and based thereon allege that at all relevant times C.R.
5 BARD markets its products and services worldwide to hospitals, individual health care professionals,
6 extended care facilities, and alternate site facilities, and has locations in more than 30 countries including
7 the state of California.

8 9. Plaintiff is informed and believes, and based thereon allege at all relevant times, Defendant
9 C.R. BARD is a Delaware Corporation doing business in the state of California, and engaged in
10 substantial, continuous economic activity in California, including marketing, distribution, and sale of
11 millions of dollars of medical devices implanted into Californians, including but not limited to, the SNF,
12 and that said activity by Defendants is substantially connected to Plaintiff's and Decedent's claims as
13 alleged herein.

14 10. Plaintiff is informed and believes, and based thereon allege that, at all relevant times,
15 Defendant Does 51-100, a sales representative, is employed by C.R. BARD, INC., is a citizen and
16 resident of Los Angeles County, state of California, and was responsible for promoting, marketing,
17 distributing, and selling the Bard IVC Filter to Decedent's physician(s) located in Los Angeles,
18 California, on or about November 20, 2013 (hereinafter "SALES REPRESENTATIVE").

19 11. Plaintiff is informed and believes, and based thereon allege that, at all relevant times, the
20 true names or capacities, whether individual, corporate, or otherwise, of Defendants Does 1 through 100,
21 inclusive, were unknown to Plaintiff at the time of original filing of the underlying complaint in this
22 action and, therefore sue said Defendants by such fictitious names.

23 12. Plaintiff is informed and believes and based thereon alleges that each of the Defendants
24 designated herein by fictitious names is in some manner legally responsible for the events and
25 happenings herein referred to, including exposing Californians to the SNF, and caused damages
26 proximately and foreseeably to Plaintiff and Decedent as alleged herein.

27 13. Plaintiff is informed and believes, and based thereon allege that, at all relevant times, all
28 of said Defendants herein, including DOES 1 through 100, inclusive, are collectively referred to herein as

1 "Defendants" and all acts and omissions of Defendants as alleged herein were undertaken by each of the
2 Defendants or said Defendants agents, servants, employees and/or owners, acting in the course and scope
3 of its respective agencies, services, employments and/or ownerships.

4 14. Plaintiff is informed and believes, and based thereon allege that, at all relevant times, all
5 allegations concerning Defendants includes Defendants' parents, subsidiaries, affiliates, divisions,
6 franchises, partners, joint venturers, organizational units of any kind, predecessors, successors and
7 assigns, and their officers, directors, employees, agents, representatives, and any and all other persons
8 acting on behalf of Defendants.

9 15. At all relevant times alleged herein, while a citizen and resident of the state of California,
10 and a citizen and resident of the County of Los Angeles, the SNF was implanted into Decedent for
11 treatment of right lower extremity deep vein thrombosis ("DVT") on or about November 20, 2013, at
12 Providence Health Systems Southern California /dba/ Providence Tarzana Medical Centers (hereinafter
13 "Providence").

14 16. At all relevant times alleged herein, on January 4, 2015, Decedent was transported via
15 ambulance to Los Robles Regional Medical Center, Thousand Oaks, California, with complaints of groin
16 pain and inability to bear weight. Once admitted to the hospital, Decedent passed away. The autopsy
17 report stated that the cause of death was hypovolemic shock secondary to retroperitoneal hemorrhage
18 from the inferior vena cava perforated by three struts of the SNF.

19 17. As a direct and proximate result of the injuries and death alleged herein, Plaintiff, heirs
20 and Decedent have incurred medical expenses, endured pain, suffering, and death, and loss of enjoyment
21 of life, and have otherwise been damaged in a pecuniary nature.

22 18. Plaintiff is informed and believes, and based thereon allege that, all claims in this action
23 are a direct and proximate result of Defendants' and/or their corporate predecessors negligent, willful,
24 and wrongful conduct in connection with the design, development, manufacture, testing, packaging,
25 promoting, marketing, distribution, labeling, implanting, and/or sale of the SNF.

26 19. Plaintiff seeks recovery for damages as a result of her husband's death, which was
27 directly and proximately caused by such wrongful conduct by Defendants, the unreasonably dangerous
28 and defective nature of the SNF, and the attendant effects of defective filter.

22. Venue is proper in this Court because Plaintiff and Decedent is/was a citizen and resident of the state of California, and a citizen and resident of Los Angeles County, Defendant Sales Representative and Does 1 – 100 is/was a citizen and resident of the state of California, and a citizen and resident of Los Angeles County, and the SNF was implanted in Decedent on or about November 20, 2013, in the state of California, Los Angeles County.

-25. People at risk for DVT/PE can undergo medical treatment to manage the risk. For example, a doctor may prescribe anticoagulant therapies such as medications like Heparin, Warfarin, or

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1 Lovenox to regulate the clotting factor of the blood. In some people who are at high risk for DVT/PE
2 and who cannot manage their conditions with medications, physicians may recommend surgically
3 implanting an IVC filter to prevent thromboembolic events.

4 26. Use of the IVC filters was limited primarily to patients who were contraindicated for
5 anticoagulation therapy.

6 27. C.R. BARD has distributed and marketed the SNF device since 1992. The SNF was
7 initially manufactured by a company known as Nitinol Medical Technologies.

8 28. In order to increase sales of these devices, C.R. BARD sought to expand the market for
9 prophylactic use among nontraditional patient populations that were temporarily at risk of developing
10 blood clots.

11 29. Specifically, C.R. BARD engaged in aggressive marketing campaigns that targeted the
12 bariatric, trauma, orthopedic and cancer patient population. Expansion to these new patient groups
13 would triple sales and the first manufacturer to market would capture market share.

14 30. The medical community has just recently begun to realize that despite marketing claims
15 by Defendants, there is no reliable evidence that any IVC filter offers a benefit and that these products
16 expose patients to substantial safety hazards. For example, an October 2015 article published in the
17 *Annals of Surgery* concerning trauma patients inserted with IVC filters concluded that IVC filters were
18 not effective in preventing pulmonary emboli, and instead actually caused thrombi to occur.

19 31. Comparing the results of over 30,000 trauma patients who had not received IVC filters
20 with those who had received them, the *Annals of Surgery* study published its alarming results:

- 21 • Almost twice the percentage of patients with IVC filters in the study died compared to
22 those that had not received them.
- 23 • Over five times the relative number of patients with IVC filters developed DVTs.
- 24 • Over four times the relative percentage of patients with filters developed thromboemboli.

25 32. Over twice the percentage of patients developed a pulmonary embolus -- the very
26 condition Defendants represented to the FDA, physicians, and the public that its IVC filters would
27 prevent.

28 ///

1 33. Other studies have also revealed that these devices suffer common failure modes such as
2 migration, perforation, thrombosis, fracture all of which can cause serious injury or death. These studies,
3 including the *Annals of Surgery* study, have now shown that not only is there no reliable evidence
4 establishing that IVC filters are efficacious but that they also pose substantial health hazards.

5 34. Defendants, and each of them, concealed material risk information and promoted
6 unproven benefits of the SNF.

7 35. The information distributed by Defendants was in the form of reports, press releases,
8 advertising campaigns, labeling materials, consent forms, print advertisements, commercial media
9 containing material representations, instructions for use and direction, and it was communicated from
10 Defendants, including Decedent's health care providers and their sales representatives, ultimately to
11 Decedent.

12 36. Decedent's physician that prescribed the SNF, reviewed marketing and labeling materials
13 regarding these filters, which were distributed by C.R. BARD.

14 37. These marketing and labeling materials, as well as direct representations from Defendants,
15 ultimately to Decedent, misrepresented and concealed the risks and benefits of the SNF.

16 38. These marketing, labeling and consent materials used and/or distributed by Defendants
17 also intentionally concealed the risks associated with these filters, such as: migration, fracture,
18 perforation, tilt, thrombosis, the prothrombotic nature of the devices; that these failures were known to be
19 causing severe injuries and death; and the rate at which these events were occurring.

20 39. Had Defendants not engaged in a marketing scheme and/or properly informed Decedent of
21 the risk information, as described above, Decedent would not have consented to the prescribed SNF as
22 part of the informed consent process.

23 40. Prior to Decedent's implantation of the SNF (on or about November 2013), Defendants
24 were aware of reported side effects of the SNF complications, including migration, detachment of device
25 parts which moved through the vein to other locations, perforation, and fracture of the device, but
26 continued to market the filter, distribute it in the stream of commerce, and implant it without disclosing
27 these adverse events and despite of the filter's dangerous and defective condition.

28 ///

1 41. Defendants have not informed the general public, including Decedent, how often such
2 adverse events occur.

3 42. Plaintiff is informed and believes, and based thereon alleges that, Defendants had a duty
4 to know and warn about the hazards associated with the use of the SNF.

5 43. Plaintiff is informed and believes, and based thereon alleges that, Defendants failed to
6 inform the medical community and the general public about the catastrophic health hazards associated
7 with the use of the SNF. In addition, Defendants procured and disseminated false, misleading, and
8 biased information regarding the safety of the SNF. As a direct and proximate result of the conduct of
9 Defendants herein, and each of them, Scott Valentine sustained personal injuries for a measurable
10 period of time from the first trauma causing injury to decedent before decedent's death such that
11 decedent consciously suffered injuries and damages for a measurable period of time before death.

12 44. As a direct and proximate result of the conduct of defendants, and each of them, before
13 decedent's death, decedent's personal property, and the use thereof, was damaged, destroyed, and
14 tortuously interfered with, all to the damage of decedent, according to proof.

15 45. As a direct and proximate result of the conduct of defendants, and each of them,
16 decedent's beneficiaries, survivors, and heirs have been, and continue to be, deprived of decedent's
17 future services, support, and other economic losses according to proof.

18 46. As a direct and proximate result of the conduct of defendants, and each of them,
19 plaintiffs' decedent died and his beneficiaries, survivors, and heirs have suffered, and continue to suffer,
20 non-economic damages which include, among other things, loss of comfort, care, society, love,
21 affection, guidance, presence, attention, companionship, protection, and consortium, according to proof.

22 47. As a direct and proximate result of the conduct of defendants, and each of them,
23 plaintiffs' decedent died, and decedent's beneficiaries, survivors, and heirs have incurred funeral,
24 burial, travel, and related expenses and property damage, according to proof.

25 **FIRST CAUSE OF ACTION**

26 **STRICT PRODUCTS LIABILITY - DESIGN DEFECT**

27 **(All Defendants)**

28 48. Plaintiff hereby incorporates each of the preceding paragraphs as if fully set forth herein.

1 49. Plaintiff is informed and believes, and based thereon alleges that, at all relevant times
2 alleged herein, Defendants designed, developed, manufactured, tested, packaged, promoted, marketed,
3 distributed, labeled, implanted and/or sold the SNF for treatment of a lower extremity DVT.

4 50. The device implanted in Decedent was in a condition unreasonably dangerous at the time
5 they left the control of Defendants.

6 51. The device implanted in Decedent was expected to, and did, reach its intended consumer
7 without substantial change in the condition in which it was in when it left Defendants' possession. In
8 the alternative, any changes that were made to the device implanted in Decedent were reasonably
9 foreseeable to Defendants.

10 52. The SNF was defective in design and unreasonably dangerous at the time they left the
11 control of Defendants, because it failed to perform as safely as an ordinary consumer would expect when
12 used as intended or in a manner reasonably foreseeable, and because the foreseeable risks of these
13 devices exceeded any benefits associated with their use.

14 53. At the time Defendants placed the filters, including the device implanted in Decedent,
15 into the stream of commerce and/or implanted it, safer alternative designs and/or methods were
16 commercially, technologically, and scientifically attainable and feasible.

17 54. The SNF device was used in a manner that was reasonably foreseeable to Defendants.

18 55. Decedent could not have by the exercise of reasonable care discovered the defective
19 condition or perceived the unreasonable dangers with these devices prior to Decedent's implantation of
20 the device.

21 56. As a proximate result of Defendants' design, manufacture, marketing, sale, implantation,
22 and/or distribution of the SNF, Decedent and his heirs, including Plaintiff, suffered injuries, death, and
23 damages as alleged herein.

24 **SECOND CAUSE OF ACTION**

25 **STRICT LIABILITY IN TORT – FAILURE TO WARN**

26 **(All Defendants)**

27 57. Plaintiff hereby incorporates each of the preceding paragraphs as if fully set forth herein.

28 58. Defendants designed and/or manufactured the SNF and implanted it in Decedent.

1 59. Defendants also engaged in post-market surveillance, quality control, marketing, use and
2 distribution of the SNF.

3 60. At the time the SNF was implanted in Decedent, Defendants knew or it was knowable that
4 the it posed a significant and high risk of failure, including for fracture, migration, tilting, thrombosis,
5 migration, perforation, tilt, and pulmonary embolism and that these failures were resulting in serious
6 patient injuries and death.

7 61. At the time the SNF was implanted in Decedent, Defendants knew or it was knowable to
8 them that the SNF increased the risk of pulmonary emboli, that use of these filters did not improve
9 patient outcomes, and that the longer these filters were left implanted increased the likelihood of device
10 failure and resulting injury.

11 62. The SNF implanted in Decedent was in a defective condition that was unreasonably and
12 substantially dangerous to any user or consumer implanted with such filter, when used in an intended and
13 reasonably foreseeable way. Such ordinary consumers, including Decedent, would not and could not
14 have recognized or discovered the potential risks and side effects of the device, as set forth herein.

15 63. Defendants failed to provide adequate warnings or instructions for use to Decedent
16 regarding the above-described risks and side-effects of the SNF, whether as to existence of the risk, its
17 likelihood, severity, or the comparative risk to other products and/or methods.

18 64. The SNF warnings, labels, forms and/or instructions for use provided by Defendants to
19 Decedent were inaccurate, intentionally misleading, and misinformed and misrepresented the risks and
20 benefits and lack of safety and efficacy associated with the device.

21 65. The device implanted in Decedent was expected to and did reach him without substantial
22 change in condition, labeling, or warnings as manufactured, distributed, implanted and/or sold by
23 Defendants.

24 66. The SNF implanted in Decedent was used in a manner in which it was intended to be
25 used, making such use reasonably foreseeable to Defendants.

26 67. The above described failure by Defendants, to provide adequate warnings about the SNF
27 to Decedent was a substantial factor in causing Plaintiff's injuries and damages, and Decedent's ultimate
28 death, as described herein.

69. As a direct and proximate result of Defendants' calculated and reprehensible conduct, Decedent and his heirs, including Plaintiff herein, suffered catastrophic injuries, death and damages as alleged herein.

(All Defendants)

71. Plaintiff is informed and believes, and based thereon allege that, at all relevant times and herein, Defendants were negligent in marketing, designing, manufacturing, producing, inspecting, testing, selling, implanting, and/or distributing the SNF in one or more of the following respects:

- In failing to warn Decedent of the hazards associated with the use of the SNF;
- Designing and distributing a product in which Defendants knew or should have known that the likelihood and severity of potential harm from the product exceeded the burden of taking safety measures to reduce or avoid harm;
- Designing and distributing a product in which they knew or should have known that the likelihood and severity of potential harm from the product exceeded the likelihood of potential harm from other devices and treatment options available for the same purpose;
- Failing to use reasonable care to warn or instruct Decedent about the filter's substantially dangerous condition or about facts making the products likely to be dangerous;
- Failing to recall, retrofit, or provide adequate notice of such actions to Decedent;
- Failing to provide adequate instructions, guidelines, and safety precautions, including pre and post-sale, to those persons to whom it was reasonably foreseeable would have the device implanted;

- 1 • Advertising, marketing and recommending the use of the SNF, while concealing and
- 2 failing to disclose or warn of the dangers known by Defendants to be connected with and
- 3 inherent in the use of this filter system;
- 4 • Representing that the SNF was safe for its intended use when, in fact, Defendants knew
- 5 and should have known the products were not safe for their intended uses;
- 6 • Continuing to manufacture, sell and/or implant the device with the knowledge that said
- 7 product was dangerous and not reasonably safe, and failing to comply with good
- 8 manufacturing regulations;
- 9 • Failing to use reasonable and prudent care in the design, research, manufacture, and
- 10 development of the SNF so as to avoid the risk of serious harm associated with the use of
- 11 it;
- 12 • Advertising, marketing, promoting, implanting, and/or selling the filter for uses other than
- 13 as approved and indicated in the product's label;
- 14 • Failing the design and manufacture so as to present an unreasonable risk of the device's
- 15 perforating the vena cava wall;
- 16 • Failing to act like reasonably prudent Defendants under similar circumstances.

17 72. Each and all of these acts and omissions, taken singularly or in combination, were a
18 proximate cause of the injuries, damages and death sustained by Decedent and his heirs, including
19 Plaintiff herein.

20 73. Plaintiff is informed and believes, and based thereon allege that, at all relevant times
21 alleged herein, Defendants knew or should have known that filters were unreasonably dangerous and
22 defective when put to their reasonably anticipated use.

23 74. Plaintiff is informed and believes, and based thereon allege that, as a direct and proximate
24 result of Defendants' negligence in one or more of the aforementioned ways, the SNF was implanted into
25 Decedent and directly and proximately caused Decedent's ultimate death.

26 75. Plaintiff is informed and believes, and based thereon allege that, Plaintiff and Decedent,
27 and his heirs, were caused to suffer damages as alleged herein.

28 ///

FOURTH CAUSE OF ACTION**BREACH OF EXPRESS WARRANTY****(All Defendants)**

76. Plaintiff hereby incorporates each of the preceding paragraphs as if fully set forth herein.

77. Plaintiff is informed and believes, and based thereon allege that, at all relevant times alleged herein, Defendants expressly warranted, through direct-to-consumer marketing, advertisements, labels, and consent forms that the SNF was safe and effective for its reasonably anticipated uses.

78. Plaintiff is informed and believes, and based thereon allege that, at all relevant times alleged herein, the SNF did not conform to these express representations because it caused serious injury and death by perforating the vena cava and causing Decedent's death.

79. As a direct and proximate result of the Defendants' breach of warranty, Decedent underwent implantation of said device, as aforesaid, and the device directly and proximately caused his death, causing Decedent and his heirs, including Plaintiff herein, to suffer damages, as alleged herein.

FIFTH CAUSE OF ACTION**BREACH OF IMPLIED WARRANTY****(All Defendants)**

80. Plaintiff hereby incorporates each of the preceding paragraphs as if fully set forth herein.

81. Plaintiff is informed and believes, and based thereon allege that at the time Defendants manufactured, marketed, labeled, promoted, distributed, implanted and/or sold the SNF, Defendants knew of the uses for which the devices were intended, and impliedly warranted the device to be of merchantable quality and safe for such use.

82. Defendants breached their implied warranties of the SNF because it was not fit for their common, ordinary and intended uses.

83. As a direct, foreseeable and proximate result of Defendants' breaches of implied warranties, Decedent underwent implantation of the SNF, as aforesaid, and the device directly and proximately caused his death, causing Decedent and his heirs, including Plaintiff herein, to suffer damages as set forth herein.

///

1 SIXTH CAUSE OF ACTION

2 NEGLIGENT MISREPRESENTAION

3 (All Defendants)

4 84. Plaintiff hereby incorporates each of the preceding paragraphs as if fully set forth herein.

5 85. Defendants distributed, marketed and provided the labeling and warning materials
6 distributed with the SNF that was implanted in Decedent.

7 86. Prior to and on the dates Defendants distributed the SNF that ultimately was implanted
8 into Decedent, they negligently and carelessly represented to Decedent that certain material facts were
9 true. The representations include, *inter alia*, the following:

- 10 • That the SNF filters were safe, fit, and effective for use ; and
11 • That the filters were safer and more effective than other available IVC filters.

12 87. The information distributed by Defendants to Decedent was in the form of reports, press
13 releases, advertising campaigns, labeling materials, print advertisements, consent forms, commercial
14 media containing material representations and instructions for use, as well as through their officers,
15 directors, agents, and representatives.

16 88. Decedent's prescribing physicians reviewed these materials, conversed with the sales
17 representatives, and discussed the labeling materials provided with these devices, prior to deciding to use
18 the SNF in Decedent.

19 89. Prior to, on, and after the dates during which Decedent's filter was distributed, purchased
20 and used, said representations about the filters to Decedent were not true, and there was no reasonable
21 ground for believing that they were true at the times said representations were made.

22 90. Prior to, on, and after the dates during which Decedent's filter was purchased and used,
23 Defendants intended that Decedent and the general medical community would rely on said
24 representations and prescribe the SNF, which did in fact occur.

25 91. Defendants' fraudulent misrepresentation to Decedent was a substantial factor in his
26 decision to consent to the use of this device. Thus, Defendants' misrepresentations were a substantial
27 factor in causing Decedent's injuries and ultimate death, and Plaintiff's and the heirs' injuries and
28 damages, as described herein.

SEVENTH CAUSE OF ACTION

FRAUD

(All Defendants)

92. Plaintiff hereby incorporates each of the preceding paragraphs as if fully set forth herein.

93. At all times relevant to this cause, and as detailed above, Defendants intentionally provided Decedent, the medical community, and the FDA with false or inaccurate information, and/or omitted material information concerning the SNF, including but not limited to, misrepresentations regarding the following topics:

- The safety of the devices;
- The efficacy of the devices;
- The rate of failure of the devices;
- The pre-market testing of the devices; and
- The approved uses of the devices.

94. The information distributed by Defendants to the public, including Decedent, was in the form of reports, press releases, advertising campaigns, labeling materials, print advertisements, consent forms, commercial media containing material representations, and instructions for use, as well as through their officers, directors, agents, and representatives. These materials contained false and misleading material representations, which included:

- That the devices was safe, fit, and effective when used for its intended purpose or in a reasonably foreseeable manner;
- That the devices did not pose dangerous health risks in excess of those associated with the use of other similar devices;
- Failure to disclose the risk associated with perforating the vena cava and how often such risk actually occurred to date; and
- That the device was safer and more effective than other available IVC filters.

95. Defendants made the foregoing misrepresentations knowing that they were false. These materials included instructions for use and a warning document that was included in the package of the devices implanted in Decedent.

1 96. Defendants' purpose in making these misrepresentations was to deceive and defraud
 2 Decedent and the general medical community; to gain the confidence of Decedent; to falsely assure
 3 Decedent of the quality of the device and its fitness for use; and to induce Decedent into consenting to the
 4 implant of the SNF, all in reliance on Defendants' misrepresentations.

5 97. The foregoing representations and omissions by Defendants were in fact false.

6 98. Defendants acted to serve their own interests and having reasons to know consciously
 7 disregarded the substantial risk that the device could kill or significantly harm patients.

8 99. In reliance upon the concealed information as well as the false representations made by
 9 Defendants, Decedent was induced to, and did use the SNF, thereby causing his injuries and ultimate
 10 death described herein.

11 100. Defendants had sole access to material facts concerning the defective nature of the filter
 12 and its propensity to cause serious side effects in the form of dangerous injuries and damages and death
 13 to persons who are implanted with the device.

14 101. Decedent reasonably relied upon misrepresentations made by Defendants where the
 15 concealed and misrepresented facts were critical to understanding the true dangers inherent in the use of
 16 the device.

17 102. Defendants' fraudulent misrepresentation to Decedent was a substantial factor in his
 18 decision to consent to the use of this device. Thus, Defendants' misrepresentations were a substantial
 19 factor in causing Decedent's death, and Plaintiff's and heirs' injuries and damages, as described herein.

20 **RELIEF REQUESTED**

21 WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, and as
 22 appropriate to each cause of action alleged and the standing of Plaintiff as follows:

- 23 1. Past and future general damages, the exact amount of which has yet to be ascertained, in
 24 an amount which will conform to proof at time of trial;
 25 2. Past and future economic and special damages according to proof at the time of trial;
 26 3. Loss of earnings and impaired earning capacity according to proof at the time of trial;
 27 4. Medical expenses, past and future, according to proof at the time of trial;
 28 5. For past and future mental and emotional distress, according to proof;

6. Punitive or exemplary damages according to proof at the time of trial;
7. Attorney's fees;
8. For costs of suit incurred herein;
9. For pre-judgment interest as provided by law; and
10. For such other and further relief as the Court may deem just and proper.

DATED: January 4, 2017

Respectfully submitted,

Michelle Valentine

Michelle Valentine, *in Propria Persona*

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all counts in this Complaint.

DATED: January 4, 2017

Respectfully submitted,

Michelle Valentine

Michelle Valentine, *in Propria Persona*

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-02489-DGC**

Verge v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 07/26/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Barbara Verge**

represented by **Michael T Gallagher**
Gallagher Law Firm LLP
2905 Sackett St.
Houston, TX 77098
713-222-8080
Fax: 713-222-0066
Email: donnaf@gld-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
07/26/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14474352 filed by Barbara Verge. (Attachments: # 1 Civil Cover Sheet)(MAP) (Entered: 07/26/2017)
07/26/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-2489-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 07/26/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:22:05			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-02489-DGC
Billable Pages:	1	Cost:	0.10

Michael T. Gallagher
Federal ID: 5395
The Gallagher Law Firm
2905 Sackett Street
Houston, Texas 77098
(713) 222-8080
(713) 222-0066 - Facsimile
donna@gl-d-law.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. MDL-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS**

This Document Relates To:

Barbara Verge

Civil Case # _____

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Barbara Verge
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
2 time of implant:

3 New York

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
5 time of injury:

6 New York

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 New York

9 7. District Court and Division in which venue would be proper absent direct filing:

10 United States District Court for the Northern District of New York

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

18 _____

19 _____

20 _____

21 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
22 (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter

Other: Simon Nitinol

11. Date of Implantation as to each product:

March 11, 2003

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence - Design
- ✓ Count V: Negligence - Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence *Per Se*
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIII: Fraudulent Concealment

1 √ Count XIV: Violations of Applicable _____ (insert state) Law

2 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

3 □ Count XV: Loss of Consortium

4 □ Count XVI: Wrongful Death

5 □ Count XVII: Survival

6 √ Punitive Damages

7 □ Other(s): _____ (please state the facts supporting this
8 Count in the space immediately below)

9 _____
10 _____
11 _____
12 _____

13 Dated: July 26, 2017

 Respectfully submitted,

14 /s/ Michael T. Gallagher

15 Michael T. Gallagher

16 Federal ID: 5395

 The Gallagher Law Firm

2905 Sackett Street

Houston, Texas 77098

(713) 222-8080

(713) 222-0066 - Facsimile

donna@gld-law.com

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-01062-DGC**

Wadoud v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 04/10/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Raheemah Abdul Wadoud**

represented by **Douglass Alan Kreis**
Aylstock Witkin Kreis & Overholtz
PLLC
17 E Main St., Ste. 200
Pensacola, FL 32502
850-202-1010
Fax: 850-916-7449
Email: dkreis@awkolaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/10/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14109131 filed by Raheemah Abdul Wadoud. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 04/10/2017)
04/10/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-1062-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 04/10/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:23:06			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-01062-DGC
Billable Pages:	1	Cost:	0.10

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

MDL Case No. 2:15-MD-02641-DGC

This Document Relates to:

Individual Civil Case # _____

RAHEEMAH ABDUL WADOUD, Plaintiff

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party: Raheemah Abdul Wadoud
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium
claim: N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
time of implant: Michigan
5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
time of injury: Texas
6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
Texas
7. District Court and Division in which venue would be proper absent direct filing:
Texas Northern District Court

8. Defendants (Check Defendants against whom Complaint is made):

- ☒ C.R. Bard Inc.
☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery® Vena Cava Filter
☐ G2® Vena Cava Filter
☐ G2® Express Vena Cava Filter
☐ G2® X Vena Cava Filter
☐ Eclipse® Vena Cava Filter
☐ Meridian® Vena Cava Filter
☐ Denali® Vena Cava Filter
☒ Other: Simon Nitinol

11. Date of Implantation as to each product: 6/14/2005

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
☒ Count III: Strict Products Liability – Design Defect
☒ Count IV: Negligence - Design
☒ Count V: Negligence – Manufacture
☒ Count VI: Negligence – Failure to Recall/Retrofit
☒ Count VII: Negligence – Failure to Warn
☒ Count VIII: Negligent Misrepresentation
☒ Count IX: Negligence *Per Se*
☒ Count X: Breach of Express Warranty
☒ Count XI: Breach if Implied Warranty
☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
☒ Count XIV: Violations of Applicable Michigan (insert State) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
☐ Count XV: Loss of Consortium
☐ Count XVI: Wrongful Death
☐ Count XVII: Survival
☒ Punitive Damages
☐ Other(s): _____ (please state the facts supporting this Count in
the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 10th day of April, 2017.

Douglass A. Kreis
Aylstock, Witkin, Kreis & Overholtz, PLLC
17 East Main Street, Suite 200
Pensacola, FL 32502
Telephone: 850-202-1010
Facsimile: 850-916-7449
Email: DKreis@awkolaw.com

By: /s/ Douglass A. Kreis

I hereby certify that on this 10th day of April, 2017, I electronically transmitted
the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
of a Notice of Electronic Filing.

/s/ Douglass A. Kreis

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-02820-DGC**

Walker v. C R Bard Incorporated et al
Assigned to: Senior Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/10/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Roy Walker**

represented by **Andrew F Kirkendall**
Kirkendall Dwyer LLP
4343 Sigma Rd., Ste. 200
Dallas, TX 75248
214-271-4027
Fax: 214-253-0629
Email:
akirkendall@kirkendalldwyer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/10/2018	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15936486 filed by Roy Walker. (Attachments: # 1 Civil Cover Sheet)(SLQ) (Entered: 09/10/2018)
09/10/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-02820-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SLQ) (Entered: 09/10/2018)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:23:58			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:18-cv-02820-DGC
Billable Pages:	1	Cost:	0.10

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Roy Walker

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) of residence at the time of implant:

Georgia

5. Plaintiff's/Deceased Party's state(s) of residence at the time of injury:

Georgia

6. Plaintiff's current state(s) of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

The Savannah Division of the Southern District of Georgia

8. Defendants (check Defendants against whom Complaint is made):

☐ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☒ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

03/07/2008 for both filters

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability - Manufacturing Defect

☒ Count II: Strict Products Liability - Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability - Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence - Failure to Recall/Retrofit

☒ Count VII: Negligence - Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable GA (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 10th day of September, 2018.

By: /s/ Andrew F. Kirkendall

Andrew F. Kirkendall
Texas Bar No. 24050882
Alexander G. Dwyer
Texas Bar No. 24054271
Kirkendall Dwyer LLP
4343 Sigma Rd., Ste 200
Dallas, TX 75244
Phone: 214-271-4027
Fax: 214-253-0629
ak@kirkendalldwyer.com
ad@kirkendalldwyer.com

Attorney for Plaintiffs

Certificate of Service

I hereby certify that on this 10th day of September, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

Dated: September 10, 2018

By: /s/ Andrew F. Kirkendall

Andrew F. Kirkendall

Texas Bar No. 24050882

Alexander G. Dwyer

Texas Bar No. 24054271

Kirkendall Dwyer LLP

4343 Sigma Rd., Ste 200

Dallas, TX 75244

Phone: 214-271-4027

Fax: 214-253-0629

ak@kirkendalldwyer.com

ad@kirkendalldwyer.com

Attorney for Plaintiffs

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-00446-DGC**

Weinsheimer v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 02/08/2018
Jury Demand: None
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**James Weinsheimer**

represented by **Bobby Saadian**
Wilshire Law Firm PLC
3055 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90010
213-381-9988
Fax: 213-381-9989
Email: masstorts@wilshirelawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
02/08/2018	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15145615 filed by James Weinsheimer. (Attachments: # 1 Civil Cover Sheet)(KAS) (Entered: 02/08/2018)
02/08/2018		This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-00446-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KAS) (Entered: 02/08/2018)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:24:38			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:18-cv-00446-DGC
Billable Pages:	1	Cost:	0.10

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **MASTER SHORT FORM COMPLAINT**
8 **FOR DAMAGES FOR INDIVIDUAL**
9 **CLAIMS**

10 Plaintiff(s) named below, for their Complaint against Defendants named below,
11 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

12 Plaintiff(s) further show the Court as follows:

13 1. Plaintiff/Deceased Party:

14 JAMES WEINSHEIMER
15 _____

16 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
17 consortium claim:
18 _____

19 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
20 conservator):
21 _____

22 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

Middle District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

11/14/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable Pennsylvania (insert state)
- 3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 ☐ Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)

11 _____

12 _____

13 _____

14 _____

15 _____

RESPECTFULLY SUBMITTED this 7th day of February, 2018.

WILSHIRE LAW FIRM, PLC

By: /s/ Bobby Saadian

Bobby Saadian, Esq.
3055 Wilshire Blvd., 12th Floor
Los Angeles, CA 90010
(213)381-9988
masstorts@wilshirelawfirm.com
California State Bar No. 250377

Attorney for Plaintiffs

I hereby certify that on this 7th day of February, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Bobby Saadian

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-00444-DGC**

Wetzell et al v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 02/13/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Horace Wetzell**

represented by **Michael T Gallagher**
Gallagher Law Firm LLP
2905 Sackett St.
Houston, TX 77098
713-222-8080
Fax: 713-222-0066
Email: donnaf@gld-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Carole Wetzell**

represented by **Michael T Gallagher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/13/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-13912279 filed by Horace Wetzell, Carole Wetzell. (Attachments: # <u>1</u> Civil Cover Sheet) (LSP) (Entered: 02/13/2017)
02/13/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-0444-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 02/13/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:25:24			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-00444-DGC
Billable Pages:	1	Cost:	0.10

Michael T. Gallagher
Federal ID: 5395
The Gallagher Law Firm
2905 Sackett Street
Houston, Texas 77098
(713) 222-8080
(713) 222-0066 - Facsimile
donna@gld-law.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. MDL-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS**

This Document Relates To:

Horace Wetzell

Civil Case # _____

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Horace Wetzell
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
Carole Wetzell
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
N/A

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
2 time of implant:

3 Ohio

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
5 time of injury:

6 Ohio

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 Ohio

9 7. District Court and Division in which venue would be proper absent direct filing:

10 United States District Court for the Northern District of Ohio

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

18 _____

19 _____

20 _____

21 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
22 (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter

Other: Simon Nitinol

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):

- √ Count I: Strict Products Liability – Manufacturing Defect
- √ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- √ Count III: Strict Products Liability – Design Defect
- √ Count IV: Negligence - Design
- √ Count V: Negligence - Manufacture
- √ Count VI: Negligence – Failure to Recall/Retrofit
- √ Count VII: Negligence – Failure to Warn
- √ Count VIII: Negligent Misrepresentation
- √ Count IX: Negligence *Per Se*
- √ Count X: Breach of Express Warranty
- √ Count XI: Breach of Implied Warranty
- √ Count XII: Fraudulent Misrepresentation
- √ Count XIII: Fraudulent Concealment

1 √ Count XIV: Violations of Applicable _____ (insert state) Law

2 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

3 √ Count XV: Loss of Consortium

4 □ Count XVI: Wrongful Death

5 □ Count XVII: Survival

6 □ Punitive Damages

7 □ Other(s): _____ (please state the facts supporting this

8 Count in the space immediately below)

9 _____
10 _____
11 _____
12 _____

13 Dated: February 13, 2017

13 Respectfully submitted,

14 /s/ Michael T. Gallagher

15 Michael T. Gallagher

16 Federal ID: 5395

17 The Gallagher Law Firm

18 2905 Sackett Street

19 Houston, Texas 77098

20 (713) 222-8080

21 (713) 222-0066 - Facsimile

22 donna@gl-d-law.com

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:18-cv-00213-DGC**

Wiggins v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 01/22/2018
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Elvenia Wiggins**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA
Atlantic Station
201 17th St. NW, Ste. 1700
Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
01/22/2018	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-15078000 filed by Elvenia Wiggins. (Attachments: # 1 Civil Cover Sheet)(KAS) (Entered: 01/22/2018)
01/22/2018	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-18-213-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KAS) (Entered: 01/22/2018)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:26:21			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:18-cv-00213-DGC
Billable Pages:	1	Cost:	0.10

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No.

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Elvenia Wiggins

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 N/A

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Oklahoma

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Oklahoma

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Oklahoma

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of Oklahoma

Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express(G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: BARD Simon Nitinol

11. Date of Implantation as to each product:

October 11, 2013

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable North Carolina (insert state)
- 3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 ☐ Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____

16 13. Jury Trial demanded for all issues so triable?

17 ☒ Yes

18 ☐ No

1 RESPECTFULLY SUBMITTED this 22nd day of January 2018.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
7
8
9
10
11
2 I hereby certify that on this 22nd day of January 2018, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Elvenia Wiggins

Defendant(s): C.R. Bard, Inc. ; Bard Peripheral Vascular, Inc.

County of Residence: Outside the State of Arizona

County of Residence: Maricopa

County Where Claim For Relief Arose: Outside the State of Arizona

Plaintiff's Atty(s):

Defendant's Atty(s):

**Debra J. Humphrey
2 MARC J. BERN & PARTNERS LLP
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000**

II. Basis of Jurisdiction:

4. Diversity (complete item III)

III. Citizenship of Principal Parties

(Diversity Cases Only)

Plaintiff:- **2 Citizen of Another State**

Defendant:- **4 AZ corp or Principal place of Bus. in AZ**

IV. Origin :

6. Multidistrict Litigation

V. Nature of Suit:

367 Health Care/Pharmaceutical Personal Injury Product Liability

VI.Cause of Action:

IN RE: BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

VII. Requested in Complaint

Class Action: **No**

Dollar Demand:

Jury Demand: **Yes**

VIII. This case IS RELATED to Case Number **MDL No. 2641** assigned to Judge **David G. Campbell.**

Signature: Debra J. Humphrey

Date: 1/22/2018

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03483-DGC**

Will v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/04/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Anne Will**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David P Matthews
Matthews & Associates
2905 Sackett St.
Houston, TX 77098
713-522-5250
Fax: 713-535-7184
Email: dmatthews@dmllawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard Arthur Freese
Freese & Goss PLLC
1901 6th Ave. Ste. 3120
Birmingham, AL 35203
205-871-4144
Fax: 205-871-4104
Email: rich@freeseandgoss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA

Atlantic Station

201 17th St. NW, Ste. 1700

Atlanta, GA 30363

404-322-6000

Fax: 404-322-6050

Email:

richard.north@nelsonmullins.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/04/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14724087 filed by Anne Will. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/05/2017)
10/04/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3483-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/05/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:27:11			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-03483-DGC
Billable Pages:	2	Cost:	0.20

David P. Matthews
TX SBN: 13206200
MATTHEWS & ASSOCIATES
2905 Sackett St.
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Tel. (713) 522-5250
Fax (713) 535-7184
matthewsivc@thematthewslawfirm.com
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Richard Freese
AL Bar No. 6879-E67R
Calle M. Mendenhall
AL Bar No. 7985-W37E
FREESE & GOSS, PLLC
1901 6th Ave N. Ste. 3120
Birmingham, AL 35203
Tel. (205) 871-4144
Fax (205) 871-4104
rich@freeseandgoss.com
calle@freeseandgoss.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Anne Will

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

PA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

NY

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

NY

7. District Court and Division in which venue would be proper absent direct filing:

USDC for the Eastern District of NY

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol (Permanent)

11. Date of Implantation as to each product:

08/29/2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable NY (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 4th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews
2905 Sackett St.
Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese
Calle M. Mendenhall
FREESE & GOSS, PLLC
1901 6th Ave N. Ste. 3120
Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 4th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03727-DGC**

Williams v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/12/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Prencilla Williams**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
205-324-1212
Fax: 205-324-1255
Email: cmendenhall@frplegal.com
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ATTORNEY TO BE NOTICED

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Houston, TX 77098
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Richard Arthur Freese
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1901 6th Ave. Ste. 3120
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
LLC - Atlanta, GA

Atlantic Station

201 17th St. NW, Ste. 1700

Atlanta, GA 30363

404-322-6000

Fax: 404-322-6050

Email:

richard.north@nelsonmullins.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/12/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14750539 filed by Prencilla Williams. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/12/2017)
10/12/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3727-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/12/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:28:06			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-03727-DGC
Billable Pages:	2	Cost:	0.20

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Prencilla Williams

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

AL

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

AL

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

AL

7. District Court and Division in which venue would be proper absent direct filing:

USDC, Southern District of Alabama – Southern Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter (s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol Vena Cava Filter

11. Date of Implantation as to each product:

11/03/2014

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable AL (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 12th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews
David P. Matthews
2905 Sackett St.
Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese
Calle M. Mendenhall
FREESE & GOSS, PLLC
1901 6th Ave N. Ste. 3120
Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 12th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews
David P. Matthews

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03544-DGC**

Winnegan v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 10/05/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Stephanie Winnegan**

represented by **Calle M Mendenhall**
Farris Riley & Pitt LLP
505 20th St. N, Ste. 1700
Birmingham, AL 35203
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Email: cmendenhall@frplegal.com
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by

Richard B North , Jr

Nelson Mullins Riley & Scarborough
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201 17th St. NW, Ste. 1700

Atlanta, GA 30363

404-322-6000

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richard.north@nelsonmullins.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/05/2017	<u>1</u>	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14728337 filed by Stephanie Winnegan. (Attachments: # <u>1</u> Civil Cover Sheet)(MAP) (Entered: 10/06/2017)
10/05/2017	2	This case has been assigned to the Honorable David G. Campbell, with member case number: CV-17-3544-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 10/06/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 12:28:43			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-03544-DGC
Billable Pages:	2	Cost:	0.20

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows :

1. Plaintiff/Deceased Party:

Stephanie Winnegan

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

VA

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

VA

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

VA

7. District Court and Division in which venue would be proper absent direct filing:

USDC, Eastern District of Virginia

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

06/18/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable VA (insert state) Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts sup porting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 5th day of October, 2017.

MATTHEWS & ASSOCIATES

By: /s/ David P. Matthews

David P. Matthews

2905 Sackett St.

Houston, TX 77098

FREESE & GOSS, PLLC

Richard Freese

Calle M. Mendenhall

FREESE & GOSS, PLLC

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Birmingham, AL 35203

Attorneys for Plaintiff

I hereby certify that on this 5th day of October, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ David P. Matthews

David P. Matthews

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Stephanie Winnegan

Defendant(s): C.R. Bard Inc. ; Bard Peripheral Vascular, Inc.

County of Residence: Outside the State of Arizona

County of Residence: Maricopa

County Where Claim For Relief Arose: Outside the State of Arizona

Plaintiff's Atty(s):

Defendant's Atty(s):

**David P. Matthews , Attorney
Matthews & Associates
2905 Sackett St.
Houston, Texas 77098
713-522-5250**

II. Basis of Jurisdiction:

4. Diversity (complete item III)

III. Citizenship of Principal

Parties (Diversity Cases Only)

Plaintiff:- **2 Citizen of Another State**

Defendant:- **4 AZ corp or Principal place of Bus. in AZ**

IV. Origin :

6. Multidistrict Litigation

V. Nature of Suit:

365 Personal Injury - Product Liability

VI.Cause of Action:

28 U.S.C. 1332(a) - Defective Medical Device

VII. Requested in Complaint

Class Action: **No**

Dollar Demand:

Jury Demand: **Yes**

VIII. This case IS RELATED to Case Number **2:15-md-02641-DGC** assigned to Judge **David G. Campbell.**

Signature: /s/ David P. Matthews

Date: 10/5/2017

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-03237-DGC**

Yankun v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/19/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff**Stephen Yankun**

represented by **Debra J Humphrey**
Marc J Bern & Associates LLP
60 E 42nd St., Ste. 950
New York, NY 10165
212-702-5000
Fax: 212-818-0164
Email: dhumphrey@bernllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**C R Bard Incorporated**

represented by **Richard B North , Jr**
Nelson Mullins Riley & Scarborough
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Atlanta, GA 30363
404-322-6000
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richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
09/19/2017	1	*COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14666053 filed by Stephen Yankun. (Attachments: # 1 Civil Cover Sheet)(LSP) *Modified on 9/28/2017 to correct party name; NEF regenerated (MAP)/(SCH). (Entered: 09/19/2017)
09/19/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-03237-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 09/19/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 13:45:33			
PACER Login:	nmrs0003:4310666:0	Client Code:	000389/08373-JC30
Description:	Docket Report	Search Criteria:	2:17-cv-03237-DGC
Billable Pages:	1	Cost:	0.10

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Stephen Yankun

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 widower

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant: Massachusetts

21

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Massachusetts

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Massachusetts

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the District of Massachusetts

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Simon Nitinol

11. Date of Implantation as to each product:

April 17, 2017

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1 ☒ Count XIII: Fraudulent Concealment
- 2 ☒ Count XIV: Violations of Applicable Massachusetts (insert state)
- 3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 4 Practices
- 5 ☒ Count XV: Loss of Consortium
- 6 ☐ Count XVI: Wrongful Death
- 7 ☐ Count XVII: Survival
- 8 ☒ Punitive Damages
- 9 ☐ Other(s): _____ (please state the facts supporting
- 10 this Count in the space immediately below)
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____

16 13. Jury Trial demanded for all issues so triable?

17 ☒ Yes

18 ☐ No

1 RESPECTFULLY SUBMITTED this 19th day of September, 2017.

2 **MARC J. BERN & PARTNERS LLP**

3 By: /s/ Debra J. Humphrey

Debra J. Humphrey
One Grand Central Place
60 East 42nd St., Suite 950
New York, New York 10165
(212) 702-5000

5 *Attorneys for Plaintiff(s)*

6
7
8
9
10
11
12 I hereby certify that on this 19th day of September, 2017, I electronically transmitted
13 the attached document to the Clerk's Office using the CM/ECF System for filing and
14 transmittal of a Notice of Electronic Filing.

15 /s/ Debra J. Humphrey

16 5131774
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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Stephen Yankun

Defendant(s): C.R. Bard, Inc. ; Bard Peripheral Vascular, Inc.

County of Residence: Outside the State of Arizona

County of Residence: Maricopa

County Where Claim For Relief Arose: Outside the State of Arizona

Plaintiff's Atty(s):

Defendant's Atty(s):

Debra J. Humphrey (Stephen Yankun)
Marc J. Bern & Partners, LLP
60 E. 42nd Street, Suite 950
New York, NY 10165
212-702-5000

II. Basis of Jurisdiction: **4. Diversity (complete item III)**

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff:- **2 Citizen of Another State**
Defendant:- **4 AZ corp or Principal place of Bus. in AZ**

IV. Origin : **6. Multidistrict Litigation**

V. Nature of Suit: **367 Health Care/Pharmaceutical Personal Injury Product Liability**

VI.Cause of Action: **IN RE: BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION**

VII. Requested in Complaint

Class Action: **No**
Dollar Demand:
Jury Demand: **Yes**

VIII. This case IS RELATED to Case Number **MDL No. 2641** assigned to Judge **David G. Campbell.**

Signature: Debra J. Humphrey

Date: 9/19/2017

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

CONSOLIDATED, MULTI-DISTRICT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:17-cv-02638-DGC**

Zito v. C R Bard Incorporated et al
Assigned to: Judge David G Campbell
Lead case: [2:15-md-02641-DGC](#)
Member case: [\(View Member Case\)](#)
Cause: 28:1332 Diversity-Product Liability

Date Filed: 08/07/2017
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Injury:
Prod. Liability
Jurisdiction: Diversity

Plaintiff

Piero J Zito
Administrator
estate of
Pasquale Zito

represented by **Gregory Steven Spizer**
Anapol Weiss - Philadelphia, PA
1 Logan Sq.
130 N 18th St., Ste. 1600
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

C R Bard Incorporated

represented by **Richard B North , Jr**
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Atlanta, GA 30363
404-322-6000
Fax: 404-322-6050
Email:
richard.north@nelsonmullins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Bard Peripheral Vascular
Incorporated**

represented by **Richard B North , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/07/2017	1	COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-14509462 filed by Piero J Zito. (Attachments: # 1 Civil Cover Sheet)(LSP) (Entered: 08/07/2017)
08/07/2017	2	This case has been assigned to the Honorable David G Campbell, with member case number: CV-17-02638-PHX-DGC. This case is included in MDL-2641. All future pleadings or documents should be filed in the Lead Case: 2:15-md-2641-DGC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LSP) (Entered: 08/07/2017)

PACER Service Center			
Transaction Receipt			
10/30/2018 13:46:41			
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

Piero J. Zito, As Administrator to the
Estate of Pasquale Zito

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL CLAIMS
AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Pasquale Zito

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Piero J. Zito, Administrator

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Pennsylvania

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

N/A

7. District Court and Division in which venue would be proper absent direct filing:

Middle District of Pennsylvania

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter

X Other: Bard Simon Nitinol Filter

11. Date of Implantation as to each product:

September 14, 2006

12. Counts in the Master Complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X Count III: Strict Products Liability – Design Defect
- X Count IV: Negligence - Design
- X Count V: Negligence - Manufacture
- X Count VI: Negligence – Failure to Recall/Retrofit
- X Count VII: Negligence – Failure to Warn
- X Count VIII: Negligent Misrepresentation

- 1 X Count IX: Negligence *Per Se*
- 2 X Count X: Breach of Express Warranty
- 3 X Count XI: Breach of Implied Warranty
- 4 X Count XII: Fraudulent Misrepresentation
- 5 X Count XIII: Fraudulent Concealment
- 6 X Count XIV: Violations of Applicable Pennsylvania (insert state) Law
- 7 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- 8 Count XV: Loss of Consortium
- 9 X Count XVI: Wrongful Death
- 10 X Count XVII: Survival
- 11 X Punitive Damages
- 12 ☐ Other(s): _____ (please state the facts supporting
- 13 this Count in the space immediately below)

14 _____

15 _____

16 _____

17 _____

18 _____

19 13. Jury Trial demanded for all issues so triable?

20 ✓ Yes

21 No

1 RESPECTFULLY SUBMITTED this 3rd day of August.

2 ANAPOL WEISS

3 By: /s/ Gregory S. Spizer
4 Gregory S. Spizer #82435
5 **ANAPOL WEISS**
6 One Logan Square
7 130 N. 8th Street; Suite 1600
8 *Attorney for Plaintiffs*

9 I hereby certify that on this 3rd day of August, I electronically transmitted the
10 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
11 of a Notice of Electronic Filing.

12 /s/ Gregory S. Spizer

**BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

**IN RE: BARD IVC FILTERS
PRODUCT LIABILITY LITIGATION**

:
:
:
:

MDL DOCKET NO. 2641

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2018, a copy of Bard's Motion to Expand the Scope of MDL No. 2641 to Include Cases Involving the Simon Nitinol Filter was filed electronically via the Court's electronic filing system and served electronically via ECF, upon the following:

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